

DRAFT FOR DISCUSSION PURPOSES 11-2-07

**ARIZONA HEALTH-E CONNECTION
POLICY DEFINITIONS**

- Authorized User means a Participant and its employees and agents authorized by Participant to use the Exchange to access Data for the purposes of medical treatment and health care services to Participant's Patients.
- Data means patient health information provided to a HIE by Data Providers and accessible to Authorized Users. For the purposes of this Agreement, Data means protected health information as defined by Standards for Privacy of Individually Identifiable Health Information, and the Security Standards, 45 C.F.R. Part 160 et seq. as amended from time to time.
- Data Provider means Health Care Provider who provides Data to the Exchange.
- Health Care Provider means a physician, hospital, pharmacy or laboratory that provides medical treatment or health care services to Patients and who has entered into an HIE Participation Agreement.
- HIE means health information exchange.
- Participant or Participating Health Care Provider means a Health Care Provider who has entered into an HIE Participation Agreement, including the Participant named as a party to this Agreement.
- Participation Agreement means an agreement between a Participant and the HIE.
- Patient means an individual receiving medical treatment or health care services from a Participant.
- Policies means these HIE policies.

DRAFT FOR DISCUSSION PURPOSES 11-2-07

ARIZONA HEALTH-E CONNECTION PATIENT CONSENT & NOTICE POLICY

A. Patient Consent for Submission of Health Information to HIE.

1. Opt-in;
2. Opt-out; or
3. No consent required.

Policy should cover:

- What Participant/entity administers opt-in or opt-out process and secures relevant document (broadly called the “consent document” in this policy)
- Timing and duration of opt-in or opt-out
- Form of consent document
- Maintenance of consent document
- Access to consent document
- Data covered by the consent document
- Restrictions on Data subject to consent document
- Revocation/amendment of consent document

B. Notice of HIE Practices. The HIE will create a document (“Notice”) containing the following information:

1. Description of the HIE.
2. An statement that the Data included in the HIE is limited to laboratory results, medications, and hospital discharge summaries. **[May expand to include allergies and other history/continuing care information.]**
3. A statement that Authorized Users may access the Data for Patient’s care and treatment.
4. **[If opt-in or opt-out approach adopted, how the Patient can have his or her Data removed from the HIE. Note: Process will have to be identified for removing Data or limiting access even if Data not removed.]**
5. **[If technology permits, whether/how the Patient can have access to the Data submitted to HIE.]**

C. Provision to Patients. The HIE will maintain the Notice and make it available to the public through the common portal. **[In addition, a Participant will provide the Notice to a Patient at the date of first service delivery after the Participant’s agreement to participate in the HIE and anytime requested by a Patient.]**

**ARIZONA HEALTH-E CONNECTION
REGISTRATION & AUTHENTICATION POLICY**

- A. Participant Determination of Authorized Users. Each Participant is responsible for determining which of its employees and agents will be Authorized Users. A Participant may allow access to the HIE only to those employees and agents who need to use the HIE to access Data related to the Participant's care and treatment of Patients on behalf of the Participant.
- B. Participant Training for Authorized Users. Each Participant will develop and implement a training program for its Authorized Users. The training will include a detailed review of these Policies. In addition, each Authorized User must sign a certification that the Authorized User received, read, and understands these Policies and completed the training.
- C. Registration. After an Authorized User completes training and signs the certificate required by Section B, the Participant will issue an identifier and confidential password to the Authorized User. The Participant will provide the HIE each Authorized User's name, identifier, and confidential password. The HIE will then register each Authorized User.
 - 1. The identifier must point unambiguously and uniquely to the identity of a specific Authorized User. [and the Participant]
 - 2. A Participant may not re-issue an identifier to other, later Authorized Users.
- D. Authentication. The HIE will authenticate an Authorized User through the identifier and confidential password. The Authorized User's access to specific Data will be based upon the Authorized User's role, as determined by _____.
- E. Termination. A Participant must terminate an Authorized User's access to the HIE upon:
 - 1. The Authorized User is no longer an employee or agent of the Participant.
 - 2. The Participant decides to terminate Authorized User's access to HIE for any reason including a determination that the Authorized User no longer has a need to use the HIE to access Data related to the Participant's care and treatment of Patients on behalf of the Participant.
 - 3. The Authorized User does not comply with the terms and conditions of the Participation Agreement or Policies.
 - 4. HIE requests that Authorized User's access be terminated. A Participant will notify the HIE immediately when an Authorized User's access to the HIE ends for any reason and the HIE will remove the Authorized User from HIE registration.

**ARIZONA HEALTH-E CONNECTION
DATA USE POLICY**

- A. Patient Access. A Participant must provide a Patient with the Patient's medical record, including Data secured from the HIE upon the Patient's request.
- B. Authorized User Access. An Authorized User may access Data only for care and treatment of Participant's Patients.
- C. Non-Compliance. Each Participant must implement procedures to discipline and hold Authorized Users accountable for violating these Policies or using, disclosing, or requesting a Patient's Data for any reason other than Participant's care and treatment of the Patient.
 - 1. *Discipline*. The discipline measures must include, but not be limited to, verbal and written warnings, demotion, and termination. The discipline measures may provide for retraining where appropriate.
 - 2. *Reporting Non-Compliance*.
 - (a) All Authorized Users must report to the Participant any noncompliance with these Policies or the Participant's policies on Data access, use or disclosure.
 - (b) Each Participant must have a process for Patients participating in the HIE to report to the Participant and HIE any non-compliance with these Policies and any concerns about Data access, use or disclosure.
 - (c) A Participant must immediately report any noncompliance with HIE's or Participant's policies for Data access, use or disclosure to the HIE.

**ARIZONA HEALTH-E CONNECTION
DATA SUBMISSION POLICY**

- A. **Accuracy.** Participants may not provide the HIE with Data that they know or should know is not accurate.
- B. **Amending Information.** Each Participant must comply with applicable federal, state and local laws and regulations regarding patient rights to request amendment of Data.
- C. **Limiting Information Provided to HIE.** If a Participant agrees to a Patient's request for restrictions, the Participant must comply with the restrictions when providing Data to the HIE. [If an agreed-upon restriction could affect another Participant's use of the Data, the Data Provider must notify the HIE of the fact that certain Data has been restricted, without disclosing the content of the restricted Data.]
- D. **Special Information.** Some Data may be subject to special protection under federal or state laws and regulations (e.g., substance abuse treatment information held by federally-assisted substance abuse treatment programs, psychotherapy notes, and genetic testing information). The HIE will determine and identify special protection that may apply to Data under applicable law and notify Data Providers of these restrictions. Each Data Provider will be responsible for identifying Data subject to these special protections and following HIE rules regarding providing this Data to the HIE.

**ARIZONA HEALTH-E CONNECTION
AUDITING & COMPLIANCE POLICY**

- A. Audit Logs. The HIE will maintain an audit log documenting as to each piece of Data:
 - 1. when Data was provided to the HIE;
 - 2. the Participant that provided the Data;
 - 3. when an Authorized User accessed the Data; and
 - 4. the Authorized User who accessed the Data and the sponsoring Participant.
The HIE will provide a Patient with that Patient's audit log information upon request.
- B. Notification of Breach. The HIE will report any breaches and/or security incidents to the Participant whose Data was improperly used, accessed or disclosed. Each Participant will inform the HIE of any such incidents.
- C. Mitigating Effects of Non-Compliance. Each Participant must implement a process to mitigate, and must mitigate and take appropriate remedial action, to the extent practicable, any harmful effect that is known to the Participant of improper access, use or disclosure of Data through the HIE in violation of applicable laws, regulations and these Policies by the Participant, Authorized Users or other persons or entities. Mitigation could include Patient notification and Participant's request to the receiving Authorized User to return or destroy the impermissibly disclosed Data.